IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.6320 of 2008
MUKHIYA DEVI
Versus
THE STATE OF BIHAR
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02. 05.05.2008 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner is an accused for offences punishable under Sections 328, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is the mother- in- law of the deceased, who is said to have died due to poisoning, but there is no eye witness to the alleged occurrence and the petitioner has been implicated only on the basis of frivolous assumption. Learned counsel for the petitioner further submits that the police has submitted charge sheet against the husband of the deceased for offences punishable under Section 302 of the Indian Penal Code, whereas it has submitted charge sheet against the petitioner for offences punishable under Section 304B of the Code. Learned counsel for the petitioner also avers that the petitioner is in custody since 24.11.2007.

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In the aforesaid facts and circumstances, this petition is allowed. Let petitioner, namely Mukhiya Devi, be released on bail on furnishing bail bond of Rs.10,000.00 (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Barari Police Station Case No.73 of 2007.

sunil **(S.N.Hussain,J.)**